

Remarks

Claims 1-41 have been rejected under 35 USC 112(2) for use of the phrase “at least one each for **at merely a subset**”. This typographical error has been corrected by replacing the word ”merely” with the word “least” in each of the independent claims 1, 13, 25, and 37. Withdrawal of the rejection under 35 USC 112 is respectfully requested.

Other than the ‘all-claims’ rejection under 35 USC 112(2), claims 8, 11-12, 17-20, 23-34, and 32-36 have not been addressed in this office action. Applicants must assume that they are allowable once the issue described in the rejection under 35 USC 112 has been corrected. If this assumption is not correct, Applicants respectfully request that the next Office action be non-final, so that Applicants have a fair opportunity to address any rejections to these claims under 35 USC 101, 102, or 103.

Claims 1-4, 9, 13-16, 21, 25-28, and 37 have been rejected under 35 USC 102(e) as being anticipated by U.S. published patent application no. 2005/0135295 (“Walton”).

Claims 5-7, 10, 22, and 29-31 have been rejected under 35 USC 103(a) as being unpatentable over Walton in view of U.S. patent no. 7,212,788 (“Weber”).

Applicants respectfully traverse these rejections because the cited references do not disclose or suggest every element of any pending claim, as the following analysis shows.

Independent claims 1, 13, 25, 37 each recite, in various language, the limitations of using at least one training symbol for each of multiple antennas, and including those training symbols in a packet used for purposes other than training. Walton is cited as teaching all these limitations, with reference made to Figs. 50 and 51 (although no text in the Walton's specification is cited for these limitations).

Applicants note that the Walton patent application was filed on October 13, 2004, which is significantly later than Applicants' filing date. However, Walton claims priority back to the filing date of 10 different related provisional applications, for the subject matter disclosed in each of those provisional applications. Only six of those provisional applications were filed before Applicant's filing date of December 29, 2003, while the remaining four were filed after than date. After examining all ten provisionals, it appears to Applicants that only the last two contain any mention of training symbols, and thus Walton can, at most, only claim the filing dates of those 2 provisionals for any subject matter involving training symbols. But both of those two were filed after Applicants filing date (July 8, 2004 for 60/586,841 and August 11, 2004 for 60/600,960). Thus, Walton cannot be used as prior art against Applicants for any subject matter involving training symbols, because any subject matter pertaining to training symbols was filed by Walton well after Applicants' filing date.

The remaining pending claims each depends, directly or indirectly, from one of independent claims 1, 13, 25, or 37, and therefore contains the same limitations not disclosed or suggested by the cited references.

Conclusion

For the foregoing reasons, it is submitted that the application is in condition for allowance, and indication of allowance by the Examiner is respectfully requested. If the Examiner has any questions concerning this application, he or she is requested to telephone the undersigned at the telephone number shown below as soon as possible. If any fee insufficiency or overpayment is found, please charge any insufficiency or credit any overpayment to Deposit Account No. 50-0221.

Respectfully submitted,

Intel Corporation

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